THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12128 of 2005

ORAL ORDER:

This writ petition is filed being aggrieved by the notice dated 2.6.2005 issued by the respondent, whereunder the petitioner was directed to pay compounding fee of Rs.35,100/- under Section 200 of the Motor Vehicles Act on the ground that the Vigilance and Enforcement Officials, Kurnool informed that the goods carriage of the petitioner while transporting different goods under public distribution system carried overload than the permitted pay load on different dates to different destinations.

It appears, the impugned notice was issued to the petitioner on the basis of certain information furnished by the Civil Supplies Department stating that the vehicle of the petitioner was over-loaded in carrying civil supplies goods.

There is no necessity of going into all the details.

Under similar circumstances, this Court by order dated 23.12.2004 allowed W.P.No.15462 of 2004 holding that Section 207 of M.V. Act empowers the authority to seize and detain the vehicle, if there is contravention of any of the conditions of the permit either during inspection or on prior occasion, but it did not provide for imposition of compounding fee. The respondents, instead of seizing the vehicle, resorted to pass the impugned order without referring to any of the provisions of the Act. Therefore, the impugned order found to be passed beyond the jurisdiction of respondent.

In view of the same, this writ petition is allowed in terms of the order passed in W.P.No.15462 of 2004 dated 23.12.2004. No order as to costs.

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C.V.RAMULU, J

Date: 8.8.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12128 of 2005

8.8.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.12128 of 2005

Date: 8th August, 2007

Between:

S.Bagdad Ali

.. Petitioner

And

The Secretary, Regional Transport Authority,
Kurnool.

.. Respondent